



DEPARTMENT OF THE NAVY  
NAVAL SURFACE WARFARE CENTER  
CRANE DIVISION  
300 HIGHWAY 361  
CRANE INDIANA 47522-5001

IN REPLY REFER TO:

5720

00L/18F11.4

October 3, 2018

Mr. Miles Vining  
The Firearm Blog  
16 Franklin Street NE  
Washington DC, DC 20002

SUBJECT: FREEDOM ON INFORMATION ACT CASE 2018-F-11

Dear Mr. Vining:

This is a partial response to your February 28, 2018, Freedom of Information Act (FOIA) request seeking "Special Operation Peculiar Modification (SOPMOD) Program; I request any documents related to the SOPMOD Program beginning in 1989 and ending in 1999. MK 14 Mod 0 and MK 14 MOD 1; I request any documents related to the MK 14 program beginning in 2005 and ending in 2010. MK 31 Survival Pen Flare and M1913 Picatinny Rail Adapter; I request any documents related to the MK 31 Survival Pen Flare, in addition to the M1913 Picatinny Rail Adapter that was created for the MK 31 to mount on a rifle." It also confirms your agreement to amend your request to "(1) MK31 Survival Pen Flare and M1913 Picatinny Rail Adapter - Fleet operational requirements, quantities, and units that used them operationally. In addition, for testing procedures while at Crane. How it was issued to Marines during OIF and OEF (2) Test and Evaluation reports, spreadsheets showing approved flashlight, optics, and accessories throughout AN/PAS-13, AN/PAS-21, SU-280/PAS, and the SU-231A Programs - with parts numbers, and their specifications regarding approval and fielding (3) Design and evaluation criteria for the LMT SOPMOD stock (4) Development of the MK14 stock and implementing it throughout the Fleet." Per your FOIA request, you indicated you will NOT accept clearly releasable information.

Your request was assigned local Case File Number 2018-F-11. A thorough search was conducted and seven (7) responsive documents were located here at NSWC Crane pertaining to two (2) Test and Evaluation reports, spreadsheets showing approved flashlight, optics, and accessories throughout AN/PAS-13, AN/PAS-21, SU-280/PAS, and the SU-231A Programs - with parts numbers, and their

specifications regarding approval and fielding. Three (3) of those documents are being released in their entirety. The additional four (4) documents are being redacted consistent with two applicable FOIA Exemptions at 5 U.S.C. § 552(b) Exemption 3 and Exemption 6.

Exemption (b)(3) exempts information that is covered by another statute that specifically exempts the information and permits no discretion on the issues. In this case, statute FOIA exemption (b)(3) exempts records from release that are specifically exempted from disclosure by statute 10 U.S.C. § 130. The relevant portion of the statute provides the following:

(a) Notwithstanding any other provision of law, the Secretary of Defense may withhold from public disclosure any technical data with military or space applications in the possession of, or under the control of, the Department of Defense, if such data may not be exported lawfully outside the United States without an approval, authorization, or license under the Export Administration Act of 1979 (50 U.S.C. App. 2401-2420) or the Arms Export Control Act (22 U.S.C. 2751 et seq.)

Access to the document is subject to the provisions of Department of Defense Directive 5230.25, Withholding of Unclassified Technical Data from Public Disclosure. You may wish to refer to that Directive for further information about access to the document by qualified U.S. Contractors.

Exemption (b)(6) exempts personal information from release which, if released would result in a clearly unwarranted invasion of personal privacy.

In this instance the responsive documents meet the criteria for exemptions (b)(3) and/or (b)(6). Each redaction has been annotated to show the applicable FOIA exemption.

You are advised of your right to appeal this decision. Should you decide to appeal this determination, you must do so in writing to:

Department of Navy  
Office of General Counsel

1000 Navy Pentagon, Room 4E365  
Washington, DC 20350-1000.

Your appeal must be postmarked within 90 calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked", "Freedom of Information Act Appeal" both on the envelope and the face of the letter. In order to expedite the appellate process and to ensure full consideration of your appeal, it should contain a brief statement of the reasons you believe this decision to be in error.

For this determination, you also have the right to seek dispute resolution services from either the Department of the Navy FOIA Public Liaison, Mr. Chris Julka, at: [Christopher.a.julka@navy.mil](mailto:Christopher.a.julka@navy.mil), via phone: (703) 697-0031; or by contacting the Office of Government Information Services at: (<https://ogis.archives.gov/>), (202) 741-5770, [ogis@nara.gov](mailto:ogis@nara.gov).

Questions regarding the action taken by this office to process your request may be directed to Sara Gibson at (812) 854-5297 or by email at [sara.gibson@navy.mil](mailto:sara.gibson@navy.mil).

Fees for processing your request have been waived in this instance, due to you being a member of the media. However, fees are assessed on a case-by-case basis and you may be charged for future requests.

Sincerely,



M.H. OESTERREICH  
Captain, U.S. Navy  
Commanding Officer, NSWC Crane